

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

JAN 06 2003

OFFICE OF
MANAGING DIRECTOR

Dennis W. Guard, Esq.
Associate Counsel
WorldCom
1133 Nineteenth Street, N.W.
Washington, DC 20036

RE: SkyTel Corp. (Debtor-In-Possession) Request for
Waiver and Deferral of Processing Fees for Application for
Modification of Station KPE495
Fee Control Number 00000 RROG 03 050

Dear Counsel:

We reviewed your October 22, 2002 request that we waive and defer payment of the application filing fees¹ related to two modifications of licenses filed by SkyTel Corp. (Debtor-In-Possession), an operating subsidiary of WorldCom, Inc. For the reasons set out below, we grant your request and will waive the aggregate fees of \$620.

Based on your submitted proof of bankruptcy pursuant to Chapter 11 of the Federal Bankruptcy Code of the United States,² we find that you established good cause for waiver of the filing fees for the applications. *Mobilemedia Corporation, et al.*, Memorandum Opinion and Order, 14 FCC Rcd. 8017, 8027, ¶ 40 (1999).

If you have any questions concerning this letter, you may call the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

¹ By this letter, we are also granting your request that we defer the requirement to submit the fees until a decision is rendered on the request for the waiver.

² *In re WorldCom, Inc., et al.*, (US Bnky Ct, SD NY), docket 02-13533 (AJG).

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Dennis W. Guard
Associate Counsel

1133 Nineteenth Street, NW
Washington, DC 20036
202 736 6148
Fax 202 736 6359

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OFFICE OF THE SECRETARY

October 22, 2002

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OCT 22 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: SkyTel Corp. (debtor-in-possession) Request for Waiver and Deferral of
Processing Fees for Application for Modification of Station KPE495

Dear Mr. Fishel:

WorldCom, Inc. (debtor-in-possession) ("WorldCom"), on behalf of its subsidiary SkyTel Corp. (debtor-in-possession) ("SkyTel"), hereby requests waiver and deferral of the processing fees associated with the application for modification of station KPE495, pursuant to Section 1.1117(a) of the Federal Communications Commission's ("Commission" or "FCC") rules.¹ This application is being filed concurrently with this waiver and deferral request via the Commission's Universal Licensing System ("ULS") (please see attachment "A").

Section 1.1117(a) of the Commission's rules provides for waiver and/or deferral of fees where good cause is shown and where such waiver and/or deferral is found to promote the public interest.² WorldCom believes that both requirements are easily satisfied in this case.

On July 21, 2002, WorldCom and substantially all of its active U.S. subsidiaries, including SkyTel, filed voluntary petitions for reorganization under Chapter 11 of the U.S. Bankruptcy Code with the Bankruptcy Court in the Southern District of New York.³ As a result of SkyTel's Chapter 11 filing, its status has changed to Debtor in Possession. SkyTel now finds itself in a financially distressed condition as a new legal entity.

¹ 47 C.F.R. § 1.1117(a).

² *Id.*

³ *In re Worldcom Inc.*, docketed under case # 02-13533.

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Commission precedent weighs heavily in favor of this request. Specifically, the Commission has previously held that it "will grant waivers of ... fees on a sufficient showing of financial hardship."⁴ And, in the same proceeding, the Commission expressly recognized that "[e]vidence of bankruptcy or receivership is sufficient to establish financial hardship."⁵

More recently, in *Mobilemedia*,⁶ the Commission recognized that "relief from ... fees is appropriate to enable a bankrupt company to conserve its resources for the benefit of innocent creditors as contemplated by the bankruptcy code."⁷ The Commission continued, finding that "bankruptcy establishes good cause for waiver of the filing fee.... Moreover, waiver of the fee will serve the public interest by enabling Mobilemedia to preserve its assets that will accrue to innocent creditors."⁸ The Commission therefore ruled unambiguously that the status of bankruptcy satisfies the requirements of Section 1.1117(a) of the Commission's rules.

SkyTel is similarly situated to the entities in the above proceedings. As a Debtor in Possession, SkyTel now finds itself in a financially distressed condition and has similar duties to its innocent creditors. As a result, this request should be viewed as constituting good cause and in the public interest.

Finally, to the extent there are any fees required to process this waiver and deferral request, we respectfully request that those fees also be waived.

Please let me know if you have any questions or need anything further to process this request. Thank you for your consideration of this matter.

Sincerely



Dennis Guard

⁴ *In the Matter of Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, Memorandum Opinion and Order, MD Docket No. 94-19, para. 13 (rel. June 22, 1995). See also Public Notice, DA-02-404 (rel. Feb. 26, 2002) (Granting request by Bethlehem Steel Corporation for waiver of application fees associated with *pro forma* assignment of 133 wireless licenses).

⁵ *Id.*, para. 14.

⁶ *In the Matter of MobileMedia Corporation, et. al., Applicant for Authorizations and Licenses of Certain Stations in Various Services*, Memorandum Opinion and Order, WT Docket No. 97-115 (rel. Feb. 5, 1999).

⁷ *Id.*, para. 39.

⁸ *Id.*, para. 40.

Federal Communications Commission

ULS Online Filing

Application Confirmation

Application Confirmation: The file number for this application is 0001065433.

Return	?	Print Preview
ULS Home	Ownership	Login

File Number	Payment Type Code	Quantity	Subtotal
0001065433	CHE	2	\$620.00
Total Due			\$620.00

Before leaving this page, you must click and print the 159 Form to attach to your payment to ensure proper fee association and to avoid possible dismissal of this application.

If you have fees due for this filing, mail or deliver FCC Form 159 along with payment for the amount denoted in Form 159 Box 3 to:

Federal Communications Commission
P. O. Box 358994
Pittsburgh, PA 15251-5994

Applet started.

READ INSTRUCTIONS CAREFULLY
BEFORE PROCEEDING

FEDERAL COMMUNICATIONS COMMISSION
REMITTANCE ADVICE

Approved by OMB

3060-0589

Page No 1 of 1

(1) LOCKBOX # 358994

SPECIAL USE

FCC USE ONLY

SECTION A - PAYER INFORMATION

(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card)

SkyTel Corp.

(3) TOTAL AMOUNT PAID (U.S. Dollars and cents)

\$620.00

(4) STREET ADDRESS LINE NO. 1

515 East Amite Street

(5) STREET ADDRESS LINE NO. 2

(6) CITY

Jackson

(7) STATE

MS

(8) ZIP CODE

39201

(9) DAYTIME TELEPHONE NUMBER (include area code)

601 - 9441300

(10) COUNTRY CODE (if not in U.S.A.)

US

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(11) PAYER (FRN)

0001744465

(12) PAYER (TIN)

0640848625

IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B
IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)

(13) APPLICANT NAME

SkyTel Corp.

(14) STREET ADDRESS LINE NO. 1

515 East Amite Street

(15) STREET ADDRESS LINE NO. 2

PO Box 2469

(16) CITY

Jackson

(17) STATE

MS

(18) ZIP CODE

39201

(19) DAYTIME TELEPHONE NUMBER (include area code)

(601) 944-7048

(20) COUNTRY CODE (if not in U.S.A.)

FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED

(21) APPLICANT (FRN)

0001744465

(22) APPLICANT (TIN)

0640848625

COMPLETE SECTION C FOR EACH SERVICE. IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET

(23A) CALL SIGN/OTHER ID

KPE495

(24A) PAYMENT TYPE CODE

CMD

(25A) QUANTITY

2

(26A) FEE DUE FOR (PTC)

\$310.00

(27A) TOTAL FEE

\$620.00

FCC USE ONLY

(28A) FCC CODE 1

(29A) FCC CODE 2

0001065433

(23B) CALL SIGN/OTHER ID

(24B) PAYMENT TYPE CODE

(25B) QUANTITY

(26B) FEE DUE FOR (PTC)

(27B) TOTAL FEE

FCC USE ONLY

(28B) FCC CODE 1

(29B) FCC CODE 2

SECTION D - CERTIFICATION

(30) CERTIFICATION STATEMENT

I, _____, certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief. SIGNATURE _____ DATE _____

SECTION E - CREDIT CARD PAYMENT INFORMATION

(31)

MASTERCARD/VISA ACCOUNT NUMBER:

EXPIRATION
DATE:

☐

MASTERCARD

☐

VISA

I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described.

SIGNATURE _____ DATE _____

FCC 601 Main Form	FCC Application for Wireless Telecommunications Bureau Radio Service Authorization	Approved by OMB 3060 - 0798 See instructions for public burden estimate
		Previewed 10/22/2002 at 03:19PM
		File Number:

1) Radio Service Code: CG	1a) Existing Radio Service Code:
2) Application Purpose: Modification	
3a) If this request is for a <u>Developmental License</u> , <u>Demonstration License</u> , or a <u>Special Temporary Authorization (STA)</u> , enter the code and attach the required exhibit as described in the instructions. Otherwise enter N (Not Applicable).	(<input type="checkbox"/>) N <input type="checkbox"/> D <input type="checkbox"/> M <input type="checkbox"/> S N/A
3b) If this request is for Special Temporary Authority due to an emergency situation, enter 'Y'; otherwise enter 'N'. Refer to Rule 1.915 for an explanation of situations considered to be an emergency.	(<input type="checkbox"/>) Yes <input type="checkbox"/> No
4) If this request is for an Amendment or Withdrawal, enter the file number of the pending application currently on file with the FCC.	File Number:
5) If this request is for a Modification, Renewal Only, Renewal/Modification, Cancellation of License, Consolidate Call Signs, Duplicate License, or Administrative Update, enter the call sign of the existing FCC license.	Call Sign: KPE495
6) If this request is for a New, Amendment, Renewal Only, or Renewal/Modification, enter the requested authorization expiration date (this item is optional).	
7) Is this request "major" as defined in Section 1.929 of the Commission's Rules when read in conjunction with the applicable radio service rules found in Parts 22 and 90 of the Commission's Rules? (NOTE: This question only applies to certain site-specific applications. See the instructions for applicability and full text of Section 1.929)	(<input type="checkbox"/>) Yes <input type="checkbox"/> No
8a) Does this filing request a Waiver of the Commission's Rules? If 'Yes', attach an exhibit providing the rule numbers and expanding circumstances.	(<input type="checkbox"/>) Yes <input type="checkbox"/> No
8b) If a feeable waiver request is attached, multiply the number of stations (call signs) times the number of rule sections and enter the result.	
8c) Are the frequencies or parameters requested in this filing covered by grandfathered privileges, previously approved by waiver, or functionally integrated with an existing station?	(<input type="checkbox"/>) Yes <input type="checkbox"/> No
9) Are attachments being filed with this application?	(<input type="checkbox"/>) Yes <input type="checkbox"/> No

Applicant Information

10) FCC Registration Number (FRN): 0001744465			
11) Licensee is a(n): Corporation			
12) First Name (if individual):	MI:	Last Name:	Suffix:
13) Entity Name (if other than individual): SkyTel Corp.			
14) Name of Real Party in Interest of Applicant (if different from applicant): WorldCom, Inc.			
15) Taxpayer Identification Number of Real Party in Interest: 581521612			

17) P.O. Box: 2469	And/Or	18) Street Address: 515 East Amite Street
19) City: Jackson	20) State: MS	21) Zip Code: 39201
22) Telephone Number: (601)944-7048		23) FAX Number: (601)944-3904
24) E-Mail Address: ernie.oswalt@wcom.com		

Contact Information (If different than applicant)

25) First Name:	MI:	Last Name:	Suffix:
26) Entity Name:			
27) P.O. Box:	And/Or	28) Street Address:	
29) City:	30) State:	31) Zip Code:	
32) Telephone Number:		33) FAX Number:	
34) E-Mail Address:			

Regulatory Status

35) This filing is for authorization to provide or use the following type(s) of radio service offering (enter all that apply):	<input checked="" type="checkbox"/> (Yes) Common Carrier <input type="checkbox"/> () Non-Common Carrier <input type="checkbox"/> () Private, internal communications <input type="checkbox"/> () Broadcast Services <input type="checkbox"/> () Band Manager
--	--

Type of Radio Service

36) This filing is for authorization to provide the following type(s) of radio service (enter all that apply):	<input type="checkbox"/> () Fixed <input checked="" type="checkbox"/> (Yes) Mobile <input type="checkbox"/> () Radiolocation <input type="checkbox"/> () Satellite (sound) <input type="checkbox"/> () Broadcast Services
37) Interconnected Service? (Y)Yes No	

Fee Status

38) Is the Applicant exempt from FCC application fees?	(N)Yes No
39) Is the Applicant exempt from FCC regulatory fees?	(N)Yes No

Alien Ownership Questions (If any answer is Yes, attach exhibit explaining circumstances.)

40) Is the applicant a foreign government or the representative of any foreign government?	(N) Yes No
41) Is the applicant an alien or the representative of an alien?	(N) Yes No
42) Is the applicant a corporation organized under the laws of any foreign government?	(N) Yes

	No
43) Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	(N) Yes No
44) Is the applicant directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign country?	(N) Yes No

Basic Qualification Questions (If any answer is Yes, attach exhibit explaining circumstances.)

45) Has the applicant or any party to this application or amendment had any FCC station authorization, license, or construction permit revoked or had any application for an initial, modification or renewal of FCC station authorization, license, construction permit denied by the Commission?	(N) Yes No
46) Has the applicant or any party to this application or amendment, or any party directly or indirectly controlling the applicant, ever been convicted of a felony by any state or federal court?	(N) Yes No
47) Has any court finally adjudged the applicant or any party directly or indirectly controlling the applicant guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement, or any other means or unfair methods of competition?	(N) Yes No
48) Is the applicant or any party directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items?	(N) Yes No

Aeronautical Advisory Station (Unicom) Certification

49) () I certify that the station will be located on property of the airport to be served, and, in cases where the airport does not have a control tower, RCO, or FAA flight service station, that I have notified the owner of the airport and all aviation service organizations located at the airport within ten days prior to application.
--

50) Race, Ethnicity, Gender of Applicant/Licensee (Optional)

Race:	American Indian or Alaska Native:	Asian:	Black or African-American:	Native Hawaiian or Other Pacific Islander:	White:
Ethnicity:	Hispanic or Latino:	Not Hispanic or Latino:			
Gender:	Female:	Male:			

General Certification Statements

1) The applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application.
2) The applicant certifies that grant of this application would not cause the applicant to be in violation of any pertinent cross-ownership, attribution, or spectrum cap rule.* *If the applicant has sought a waiver of any such rule in connection with this application, it may make this certification subject to the outcome of the waiver request.
3) The applicant certifies that all statements made in this application and in the exhibits, attachments, or documents incorporated by reference are material, are part of this application, and are true, complete, correct, and made in good faith.
4) The applicant certifies that neither the applicant nor any other party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862,

because of a conviction for possession or distribution of a controlled substance. This certification does not apply to applications filed in services exempted under Section 1.2002(c) of the rules, 47 CFR § 1.2002(c). See Section 1.2002(b) of the rules, 47 CFR § 1.2002(b) for the definition of 'party to the application' as used in this certification.

5) The applicant certifies that it either (1) has current Form 602 on file with the Commission, (2) is filing an update Form 602 simultaneously with this application, or (3) is not required to file Form 602 under the Commission's Rules.

6) The applicant certifies that the facilities, operations, and transmitters for which this authorization is hereby requested are either: (1) categorically excluded from routine environmental evaluation for RF exposure as set forth in 47 C.F.R. § 1.1307(b); or, (2) have been found not to cause human exposure to levels of radiofrequency radiation in excess of the limits specified in 47 C.F.R. §§ 1.1310 and 2.1093; or, (3) are the subject of one or more Environmental Assessments filed with the Commission.

Signature

51) Typed or Printed Name of Party Authorized to Sign			
First Name: Dennis	MI: W	Last Name: Guard	Suffix: Jr.
52) Title: ASSOCIATE COUNSEL			
Signature: Dennis W Guard Jr.			53) Date: 10/22/02
Failure To Sign This Application May Result In Dismissal Of The Application And Forfeiture Of Any Fees Paid			
Upon grant of this license application, the licensee may be subject to certain construction or coverage requirements. Failure to meet the construction or coverage requirements will result in termination of the license. Consult appropriate FCC regulations to determine the construction or coverage requirements that apply to the type of license requested in this application.			
WILLFUL FALSE STATEMENTS MADE ON THIS FORM OR ANY ATTACHMENTS ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. Code, Title 18, Section 1001) AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. Code, Title 47, § 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, § 503).			

FCC 601 Schedule D	Wireless Telecommunications Services Schedule for Station Locations and Antenna Structures	Approved by OMB 3060 - 0798 See 601 Main Form Instructions for public burden estimate
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1) Action Requested: (M) Add Mod Del		2) Location Number: 1	
3) Location Description Code: F Fixed	4) Area of Operation Code:		5) Location Name:
6) FCC Antenna Structure Registration # or N/A (FAA Notification not Required): N/A			
7) Latitude (DD-MM-SS.S): 43-32-41.7		8) Longitude (DDD-MM-SS.S): 111-53-16.9	
NAD83 (N)N or		NAD83 (W)E or W	
9) Street Address, Name of Landing Area, or Other Location Description: 7320 E. Panorama Drive			
10) City: Idaho Falls	11) State: ID	12) County: BONNEVILLE	

13) Elevation of Site AMSL (meters) ('a' in antenna structure example): 1681.0	14) Overall Ht AGL Without Appurtenances (meters) ('b' in antenna structure example): 27.4	15) Overall Ht AGL With Appurtenances (meters) ('c' in antenna structure example): 36.6
16) Support Structure Type: BANT - Building with antenna on top		
17) Location Number: (only for Area of Operation Code 'A')	18) Radius (km):	19) Airport Identifier: 20) Site Status:
21) Maximum Latitude (DD-MM-SS.S): NAD83 0N or S Use for rectangle only (Northwest corner)		22) Maximum Longitude (DDD-MM-SS.S): NAD83 0E or W Use for rectangle only (Northeast corner)
23) Do you propose to operate in an area that requires frequency coordination with Canada ?		() Yes No
24) Description: (only for Area of Operation Code 'O')		
25) Number of Units: () Hand Held () Mobile () Temporary Fixed () Aircraft () Itinerant		
26) Would a Commission grant of Authorization for this location be an action which may have a significant environmental effect? See Section 1.1307 of 47 CFR. If 'Yes', submit an environmental assessment as required by 47 CFR, Sections 1.1308 and 1.1311.		(N) Yes No
27) If the proposed site is located in one of the quiet zones listed in Item 17 of the Instructions, provide the date (mm/dd/yy) the proper authority was notified:		

FCC 601 Schedule J	FEDERAL COMMUNICATIONS COMMISSION	Approved by OMB 3060 - 0798 See 601 Main Form Instructions for public burden estimate
	Technical Data Schedule for the Paging, Rural, Air- ground (General Aviation), and Offshore Radiotelephone Services (Part 22)	

Control Points

1) Action A/M/D	2) Control Point Number	3) Location Street Address, City or Town, County, State	4) Telephone Number
M	1	7320 E. Panorama Drive IDAHO FALLS, Bonneville ID	(601)944-7048

Antenna Information

5) Action A/M/D	6) Location Number	7) Antenna Number	8) Height to Tip AGL (meters)	9) Height of Center of Radiation AAT (meters)	10) Beamwidth of Main Lobe (degrees)	11) Gain (dB)	12) Azimuth (degrees)
M	1	1	36.6	29.0	360.0	6.6	

Frequency Information

13)	14)	15)	16)	17)	18)	19)	20)
-----	-----	-----	-----	-----	-----	-----	-----

Action A/M/D	Location Number	Antenna Number	Channel Center Frequency (MHz)	Station Class	Maximum Transmitting ERP (watts)	Transmitter Output Power (watts)	Nonstandard Emission Designator
M	1	1	00454.67500	FBSI	100.000	33.900	
M	1	1	00454.87500	FBGS	100.000	33.900	

Radial Data for Antennas

21) Action A/M/D	22) Location Number	23) Antenna Number	24) Frequency						
A	1	1	00454.87500						
	0°	45°	90°	135°	180°	225°	270°	315°	
25) RCHAAT (meters)	230.0	188.0	33.0	17.0	75.0	267.0	260.0	249.0	
26) ERP (watts)	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000	

21) Action A/M/D	22) Location Number	23) Antenna Number	24) Frequency						
A	1	1	00454.67500						
	0°	45°	90°	135°	180°	225°	270°	315°	
25) RCHAAT (meters)	230.0	188.0	33.0	17.0	75.0	267.0	260.0	249.0	
26) ERP (watts)	100.000	100.000	100.000	100.000	100.000	100.000	100.000	100.000	

Points of Communication for Transmitters

27) Action	28) Location Number	29) Antenna Number	30) Frequency	31) City or Town	32) State	33) Channel Center Frequency	34) North Latitude (DD-MM-SS-D)	35) West Longitude (DDD-MM-SS-D)	36) Subscriber Call Sign

Attachment List

Attachment Type	Date	Description	Contents
Other	10/22/02	Engineering Statement	Not Available
Other	10/22/02	Fee Waiver and Deferral Request (Filed w/ Managing Director)	Not Available